

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 413 OF 2006

SHRI JAGANATH BABUSO BENE AND 7 Petitioners
ORS.,

Versus

SHRI ANAND SESHGIRI BENE AND 6 Respondents
ORS.,

Mr. Gaurish M. Kudchadkar, Advocate for the petitioner.

C.A.Coutinho, Advocate for Respondents no.1 to 7.

Coram:- DR. S. RADHAKRISHNAN, J.

Date:- 6th October, 2006

P.C

Heard learned Counsel for the petitioner and the respondent. The petitioner is challenging the orders of both the Lower Courts declining to grant an injunction. In the suit the petitioner, being the original plaintiff has contended that the respondent had illegally constructed on survey no.24/4 and 24/4A. Both the Lower Courts have strongly relied on paragraph 17, 20 and 21 of the plaint, to reject the relief. The petitioner had suppressed in the suit that he was already paid a sum of Rs.50,000/- with regard to survey no.24/4 and 24/4A and receipt was issued on 27.5.1999 by him. Similarly, a further sum of Rs.25,000/- was paid towards survey no.24/4A(Part) and a receipt dated 14.4.1999 was issued and again a sum of Rs.25,000/- was paid on 6.4.1999. Therefore the contention of the defendant/respondent is that the present appellant has no right of whatsoever with regard to the said properties.

Perused the records and both the Lower Court Orders. Both the Lower Courts have concurrently held that the Petitioners/Plaintiffs are not

entitled to any injunction. I do not find any error apparent on the face of the record or any jurisdictional error to interfere. Hence the Petition stands dismissed.

DR. S. RADHAKRISHNAN, J.

ef.